



"The City With a Heart"

Larry Franzella, Mayor
Ken Ibarra, Vice Mayor
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember
Jim Ruane, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

May 8, 2007

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT The San Bruno City Council met in regular session on May 8, 2007 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:03 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella with Vice Mayor Ibarra and Councilmembers Ruane, Medina and O'Connell in attendance. Recording by Clerk Bonner. **Councilmember O'Connell** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

a. **Vice Mayor Ibarra** announced the 67th Annual "Posy Parade" sponsored by the San Bruno Lions Club will be held Sunday, June 3, 2007. This year's theme is "School's in Bloom" and participation is free to anyone wishing to walk in the parade.

b. **Mayor Franzella** announced the San Bruno Park School District Centennial Celebration, Friday, June 1, 5-7 p.m. BBQ, San Bruno Park; Saturday, June 2, 7 – 11 p.m, Dinner/Dance, by invitation only. **Councilmember Medina** added there will be a Poker Run on Saturday June 2, 9 – 1 p.m. at various schools throughout the City.

Councilmember O'Connell thanked all those who helped with Operation Clean-Sweep. She also announced on May 12 and 13 Channel 11 will be airing "Places, Spaces and Faces of San Bruno" with over eighty photographs.

4. PRESENTATIONS: **Mayor Franzella** Presented a Proclamation for National Police Week May 13-19, 2007 to **Police Chief Telford** who thanked Council and gave an overview of a memorial he attended in Redwood City to pay homage to those police who were killed in the line of duty. He gave a synopsis of the departments within the Police Department and their duties.

5. REVIEW OF AGENDA: **Mayor Franzella** moved Item 11. to follow Item 7 c.

6. APPROVAL OF MINUTES: Regular City Council Meeting of April 24, 2007. **Clerk Bonner** asked to correct Page 3 to change the word Committee to Commission and nomination of Peter Carey seconded by Councilmember O'Connell, not Medina, approved as submitted with corrections.

7. CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

- a. **Approve:** Payroll of April 20, 2007.
- b. **Approve:** Accounts Payable of April 16, 2007.

c. **Approve:** Out-of-State Travel for CATV Field Supervisor and Cable Technician to Attend the Society of Cable Telecommunication Engineers (SCTE) Cable-Tec Expo in Orlando, Florida on June 19 - 22, 2007.

M/S Medina/Ruane to approve the Consent Calendar, passed unanimously.

Item 11. moved to follow 7.c. Receive Annual Report from Parks and Recreation Commission. **Tom Lara, Chair, Parks and Recreation Commission** gave a highlight of what the Commission had done over the past year, as well as thanking his fellow commissioners and staff. **Mayor Franzella**, on behalf of Council, thanked the Commission for all the work they do.

Alan Lubke, Fleetwood Dr., asked if the City had considered purchasing a lawn mower with the capability of cutting uneven terrain?

8. PUBLIC HEARINGS: None.

9. CONDUCT OF BUSINESS:

a. Receive Report and Review Draft Ordinance Adding Chapter 11.34, "Time Limits for Completion of Construction," and Adding Section 11.04.035 "Section 106.4.4 Amended-Expiration," of Chapter 11.04 "Building Code," to Title 11 "Buildings, Construction, and Fire Protection," of the San Bruno Municipal Code.

Interim Community Development Director (ICDD) Akin gave an overview of the staff report regarding setting time limits on building permits and **City Attorney Thompson** went over the six key provisions to the proposed draft ordinance and asked for Council's comments and suggestions. She said the provisions of this ordinance would only apply to those permits issued after the ordinance is adopted.

Vice Mayor Ibarra asked what is the current situation when a permit expires?

Akin replied Community Development recently developed an expired permit program to let people know their permits are about to expire.

Vice Mayor Ibarra asked if the Uniform Building Code had provisions for residential and non-residential. **Akin** said no it is uniform. **Vice Mayor Ibarra** said in the proposed ordinance the difference between residential and non-residential is to allow after one year a residential permit to be requested to be extended for a particular amount of time with no fee. **City Attorney Thompson** said the life span of the permit instead of having a defined period of one or two years it is based on the building valuation. For good cause, the building official could extend by six months for good cause. Adopting this format of the ordinance, the residential would not be subject to a penalty or to the requirement to submit a deposit.

Vice Mayor Ibarra expressed his concerns over too many variables. He said there are infinite excuses. He said he believed residential should not be separated from non-residential.

City Attorney Thompson asked if residential and all other construction should be treated in the same manner. The second would be to provide the building official a bit more discretion to determine what the life span of the permit should be. The third is rethink the deposits.

Vice Mayor Ibarra said there are some projects where the flag should go up. He said what is a good excuse?

Councilmember Medina said in the proposed ordinance he didn't see where it gave what a good reason is; he said it needed to be more clearly defined with examples. He said a higher standard needed to be set.

Mayor Franzella asked what happens when a permit expires?

ICDD Akin said the new permit process is helping them identify those expired permits. It has helped the department identify expired permits and they are able to issue stop work notices and/or reissue new permits.

Mayor Franzella said treating everyone equally resonates well. He said requiring a deposit to renew a permit made more sense than requiring deposits from everyone up front. He asked if the ordinance would allow these dollar amounts to be indexed with annual increases? He questioned if the maximum penalty is \$250,000. there should be a provision in the ordinance that allows collection of the deposit of 2% but no more than \$250,000.

Councilmember O'Connell agreed residential and non-residential should be the same. She asked for clarification to Appeal of Penalties, Page 27. She questioned if someone did a remodel and they can't finish it for any of the reasons outlined, these reasons are not valid. **City Attorney Thompson** concurred.

Councilmember O'Connell said the thirty days allows for people to catch-up. She said the homeowner and contractor should understand and be alerted to the provisions of this ordinance at the point of taking out a permit.

Mayor Franzella asked staff to clarify that most of our problems are not from contractors, rather from homeowner/developer, owner/builders doing their own projects. **ICDD Akin** said the projects, which go on and on, are mostly homeowner projects; the expired permits are from contractors who just never called for a final.

City Attorney Thompson asked when the building permit expires, and a penalty kicks in, is there a preference to have the penalty or to also pay for a renewal of the permit.

Vice Mayor Ibarra if a permit expires; they forfeited the money they paid to have inspections. Inspections still need to take place; a penalty or a renewed permit is needed. **City Attorney Thompson** said that is currently in the ordinance.

Alan Lubke, Fleetwood Dr., asked how are the 16 points of this proposed ordinance affected by the owner's filing of a notice of completion and if not addressed in the ordinance, shouldn't it be? Secondly, how are the 16 points of this proposed ordinance applied to a homeowner whose contractor simply walks away from the job and if not addressed in the ordinance, shouldn't it be?

ICDD Akin said regarding the notice of completion, there would not be a notice of completion unless there was a final on the permit. **City Attorney Thompson** said it would be at Council's discretion if a contractor walked away. **Mayor Franzella** said it is probably a valid excuse; the burden of proof will be on the homeowner or the developer to prove a contractor walked away. **Councilmember Medina** added that is why a more defined list of what "good reason" is.

Vice Mayor Ibarra said homeowner/builders would take out applications in order to save money. He said there should be an additional explanation to state there is a time limit. **Mayor Franzella** said there should be a disclosure statement for every permit. **City Attorney Thompson** said it was an excellent suggestion and it would be easier to assess the penalties rather than sending out a daily

notice. **Mayor Franzella** added verbiage should be included to state when the roofer leaves the site does not mean there has been a final inspection. The homeowner/builder should see a copy of the final inspection.

b. Receive Report Regarding Peddlers & Solicitors, Distribution Handbills, and Street and Sidewalk Vendors and Provide Staff Direction Regarding Proposed Ordinances.

City Attorney Thompson reviewed the staff report, distinguished the difference between the Peddlers & Solicitors and the Street and Sidewalk Vendors above and asked for Council's input.

Mayor Franzella said it looked like we had some ability to regulate the rock throwers and asked how that would be enforced?

City Attorney Thompson said this needed to be investigated a little further and enforcement would be the issue because finding the person is difficult because all that is left is a phone number.

Scott Buschmann, Claremont Dr., expressed his concern for public safety regarding door-to-door sales people. He suggested background checks, city issued badges, permits, etc.

Mayor Franzella said the distribution of handbills cannot be controlled by the City, nor require permits or badges. He said we have an ordinance in place that is in violation of law that needs to be repealed.

Scott Buschmann said the pushcart peddlers selling ice cream and flowers should have permits. **Mayor Franzella** said they are required to obtain permits. He asked about other businesses having to have a background check. **City Attorney Thompson** said she would look into it. **Mayor Franzella** said he didn't know if a permanent vs. mobile location should be treated differently.

Vice Mayor Ibarra said the public should be made aware they can put "No Solicitor" signs on their homes as well as what is legal and they have the right to say no. **City Attorney Thompson** said the City cannot tell the public what to do because of the Supreme Court ruling.

Councilmember O'Connell said the people don't have to answer the door. She suggested an article in FOCUS by Crime Prevention to give the public information.

Councilmember Medina speaking on commercial door-to-door solicitors, and there is a "no solicitor" sign on a citizen's door, they may not knock and engage the resident? **City Attorney Thompson** concurred. It is up to the resident, not the City.

Councilmember Medina said regarding pushcarts that come into our City Parks, is that an acceptable area for them to solicit? **City Attorney Thompson** said there are regulations on time limits and restrictions. This issue is not about their first amendment right; it is about the regulation of the City's right-of-way.

Alan Lubke, Fleetwood Dr., asked about real estate signs on corners and signs posted on the City clock on San Mateo Ave.? **Mayor Franzella** said real estate signs are regulated.

d. Receive Report and Provide Direction to Staff Regarding Shopping Cart Retrieval Effort.

City Attorney Thompson gave a report on what the City is presently doing regarding shopping carts and what can be done in the future.

Vice Mayor Ibarra asked what the public should do when someone is pushing a cart? **City Attorney Thompson** said the cart does not belong to them; then the retailer could be notified.

Robert Riechel said he was in favor of a six-month review and getting the public involved in reporting the carts.

Councilmember Medina said calling the City or retailer rather than 911 was good. He also did not want to rule out the \$50.00 charge, in the event that someday the City would want to use it.

d. Adopt Resolution Authorizing the Purchase of One Ford Escape Hybrid from Hoblit Fleet Group in the Amount of \$26,094.53.

Dave Lind, Central Garage Manager, reviewed the staff report and asked for Council's adoption of the resolution.

Councilmember Ruane asked how many miles a year is put on a vehicle like this? **Dave Lind** said somewhere between 10 to 12 thousand miles a year.

Councilmember Ruane asked if this hybrid was plugged in or regenerates on its own. **Dave Lind** said the vehicle regenerates on its own.

Mayor Franzella expressed his pleasure at having the first hybrid in San Bruno's fleet and introduced the resolution for adoption and passed with all ayes.

e. Adopt Resolution Authorizing the Purchase of a Municipal Street Sweeper from GCS Western Power and Equipment in the Amount of \$160,224.21; a Truck Equipped with Articulating Over Center Aerial Device from East Bay Truck Center in the Amount of \$127,459.17; and a Trailer Mounted Brush Chipper from Cal-Line Equipment in the Amount of \$25,640.10.

Dave Lind, Central Garage Manager, gave an overview of the staff report and asked for Council's adoption of the resolution.

Vice Mayor Ibarra asked if this was part of the equipment reserve? **Dave Lind** concurred. Vice Mayor Ibarra inquired if the City has been fairly accurate on monies set aside for such purchases? **Dave Lind** said it has been reviewed annually.

Councilmember Medina introduced the resolution for adoption and passed with all ayes.

Councilmember O'Connell complimented staff on their efforts to improve the environment.

f. Receive Report and Provide Direction to Staff on Comprehensive Sidewalk Repair Program.

City Engineer Davis came back to Council with a proposed program to fix the sidewalks in the first year where there are offsets or cracks an inch-and-a-half or more, approximately five hundred repairs.

Councilmember Medina said this should be well publicized, the homeowner be made aware and in full understanding of what is happening. He felt the homeowners who partner with the City need to know what the costs are. He said he believed the list was over two years old and felt if the City was in an area doing repairs, any additional repairs should be incorporated.

City Engineer Davis indicated the list was two plus years old and would be used to identify repairs; however, staff would be walking the areas to visually see the damage and if there are

additional repairs. He said areas would be marked to indicate removal and replacement and homeowners would be given the cost of their repairs.

Councilmember O’Connell asked in the first year would the encroachment permit fees be waived? **City Engineer Davis** said they would incent property owners to partner with the City by waiving the encroachment permit fee for that work.

Councilmember O’Connell asked about people’s driveways in need of repair and if they would be offered an incentive? **City Engineer Davis** said this is concrete repair for curbs, sidewalks, and driveways. The concept is to canvas the area to identify those damaged areas.

Vice Mayor Ibarra emphasized there has to be a relationship with the community to keep them informed in layman terms. He also said everyone needs to know what the cost will be.

Councilmember Ruane said the information needs to get out sooner not later so the community has a complete understanding.

Councilmember Ruane commented on the four sizeable items under discussion this evening that affect the homeowners and his feeling of reward that Council is finally doing something that directly helps the community. He complimented staff, particularly City Attorney Thompson.

Mayor Franzella, on behalf of Council, echoed the compliments to staff and the City Attorney.

g. Adopt Resolution Authorizing Continued Participation in the City/County Association of Governments of San Mateo County (C/CAG) and Approving of the Joint Powers Agreement.

Mayor Franzella said this extends continued participation through 2011 and asked if anyone on Council wished to introduce the resolution.

Councilmember Ruane introduced the resolution for adoption and passed with all ayes.

h. Adopt Resolution Approving Budget Amendment for the 2006-07 General Fund, Special Revenue Funds and Enterprises Funds Budget and Capital Improvement Program Budget for 2006-07.

Finance Director O’Leary gave a summary of the budget amendment.

Councilmember Ruane introduced the resolution for adoption and passed with all ayes.

10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Alan Lubke, Fleetwood Dr., speaking on behalf of San Bruno Citizens for Good Signage focused on the confusion of signage in finding San Bruno’s Police Station.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Receive Annual Report from Parks & Recreation Commission. (Moved to follow Item 7.c.)

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

The Human Resources Director as the City’s Negotiator Requests a Closed Session Pursuant to Cal. Gov’t Code Section 4957.6 Regarding Direction for Labor Negotiations for Public Safety Mid Management, Mid Management and Miscellaneous Bargaining Units.

City Council Regular Meeting – Minutes

May 8, 2007

Page 7 of 7

14. ADJOURNMENT: There being no further business to transact, the meeting concluded at 8:59 p.m. The next City Council Meeting will be held on May 22, 2007, at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road.

Respectfully submitted for approval
at the regular City Council Meeting of
May 22, 2007

Carol Bonner, City Clerk

Larry Franzella, Mayor